

1 this had been pulled out of whatever documentation we sent
2 in.

3 Q Okay. Who wrote P-A-R No. 2?

4 A I did.

5 Q Okay. And you wrote that so your attorneys would
6 know that this was an answer to a particular --

7 A Particular question in these.

8 Q -- FCC inquiry?

9 A Yes, ma'am.

10 Q That was not written on this document back in
11 1995?

12 A No.

13 Q Okay. Okay, after you sent this in, when did you
14 send it in? Do you know? Was it in June of '95?

15 A It was -- it could be May or June, in that period
16 of time; whatever time I sent the WI990 in.

17 Q Okay.

18 A And I've got to look at that.

19 Q The signature on page 2 of this document
20 indicates, it has a date of 6-29-95.

21 A That's it.

22 Q You would have sent it in subsequent to that,
23 wouldn't you?

24 A Yes, that's correct.

25 Q You don't --

1 A Approximately that same time, yes.

2 Q Okay. You didn't prepare another application till
3 a year later?

4 A That's correct, or approximately that period of
5 time.

6 Q And O. C. had died prior to you sending in the
7 application in Exhibit No. 3, you might want to refer to
8 that, which is dated 6-17-96; that's correct? O. C. was
9 dead at that time, right?

10 A Exhibit 3. That's correct.

11 Q Look at Exhibit No. 6, that's the death
12 certificate of O. C. Brasher. It indicates that he died on
13 August 17, 1995.

14 A Correct.

15 Q So he died two and a half months, approximately,
16 after the first application had been signed?

17 A Correct.

18 Q Okay. And you waited until June of the next year
19 to file another application in his name.

20 When did you find out that the PCIA -- the first
21 application was not going to be filed with the FCC?

22 A The fourth month of 1996.

23 Q Okay, so two months after you figured out that the
24 1995 application was not going to be sent to the FCC you
25 filed another application --

1 A Yes.

2 Q -- is that correct?

3 A Correct.

4 Q How did you find out that it was not -- the first
5 application was not going to go to the FCC?

6 A Scott at PCIA phoned and left a message referenced
7 FCC application, and then the part that he sent on to FCC
8 was the WI990 frequency for a license.

9 Q Okay. So you are getting that date because of the
10 phone message on Exhibit 68?

11 A Yes.

12 Q Okay.

13 JUDGE STEINBERG: On page 9.

14 THE WITNESS: Page 9.

15 MS. LANCASTER: Yes.

16 BY MS. LANCASTER:

17 Q Who prepared the second application?

18 A John Black.

19 Q And you signed and dated that application?

20 A Yes, ma'am.

21 Q Did you send that application back to John Black
22 or did you send it to PCIA?

23 A I do not -- I do not remember that.

24 MR. ROMNEY: Your Honor, excuse me. Has EB 68
25 been received into evidence? I don't know if you have made

1 a motion --

2 JUDGE STEINBERG: It hasn't been offered yet.

3 MS. LANCASTER: Okay. I'll offer -- I'll offer EB
4 Exhibit 68 be admitted into evidence, Your Honor.

5 MR. ROMNEY: No objection.

6 MR. PEDIGO: No objection.

7 JUDGE STEINBERG: Okay, Exhibit 68 will be
8 received or is received.

9 (The document referred to,
10 previously identified as
11 Enforcement Bureau Exhibit No.
12 68, was received in evidence.)

13 BY MS. LANCASTER:

14 Q Was the station license to O. C. Brasher
15 constructed?

16 A Yes.

17 Q And it has been operating since the license was
18 granted?

19 A That I cannot tell you at this time. Up till '98,
20 it was.

21 Q Okay, so the entire time that you were active in
22 DLB, it wa operating, right?

23 A Yes.

24 Q Was there ever a time when you decided that the
25 verbal management agreement that you testified you had

1 with -- you testified earlier that you had with O. C. was
2 ever put in written form?

3 Did you ever have a signed management agreement
4 with O.C.?

5 A Yes.

6 Q Did O. C. actually sign it?

7 A No.

8 JUDGE STEINBERG: Why don't you explain that to
9 me, please?

10 MS. LANCASTER: Okay.

11 JUDGE STEINBERG: How you can have a signed
12 management agreement, in your mind how you can have a signed
13 management agreement with O. C. that he never signed.

14 THE WITNESS: The use of the power of attorney --
15 his license went to the property of O. C. Brasher. I have
16 the power of attorney for the property. So by signing it, I
17 kept that license within the property of O. C. Brasher.

18 BY MS. LANCASTER:

19 Q Did you think you had to have a written management
20 agreement for any of these licenses?

21 A I had a feeling we needed to do that.

22 Q Why did you decide to suddenly do it after you had
23 had the licenses for such a long time?

24 A To square everything possibly into a simple form
25 and put control under proper, or put the control under way,

1 you know, it was designed to be; I mean, the management
2 agreement.

3 Q In fact, you decided after the FCC began its
4 inquiry into this matter and asked you if there were any
5 managed stations, that was when you decided you needed to
6 have a written management agreement; is that correct?

7 A After -- was the management agreement because FCC,
8 I mean, the filings, or repeat that again, Judy. I'm sorry.

9 Q You didn't decide that you needed a written
10 management agreement until after the FCC began inquiring
11 into this matter; is that correct?

12 A The oral agreements work up to that period of
13 time, and then, you know, by proper advice we should have a
14 management agreement.

15 Q So basically your attorneys advised you you needed
16 to have a written management agreement, correct?

17 MR. ROMNEY: Objection; calls for attorney/client
18 privilege.

19 JUDGE STEINBERG: It came out of the witness's
20 mouth. It was advised. Why were you advised by?

21 THE WITNESS: Our FCC attorneys.

22 JUDGE STEINBERG: Well, I read between -- I read
23 in the parentheses.

24 BY MS. LANCASTER:

25 Q And that occurred -- I'm sorry.

1 JUDGE STEINBERG: Okay.

2 BY MS. LANCASTER:

3 Q That occurred after the investigation by the FCC
4 had already begun?

5 A Correct.

6 Q Correct. Okay.

7 Turn to page 500 of Exhibit 19, please.

8 (Pause.)

9 BY MS. LANCASTER:

10 Q Exhibit 19 was submitted to the FCC in response to
11 an FCC inquiry, and was dated April 5th of 1999. And it
12 contained as part of it the -- on page 630, a verification -
13 -

14 JUDGE STEINBERG: The very last page.

15 BY MS. LANCASTER:

16 Q -- that you signed verifying the accuracy of the
17 facts and statements contained in the response.

18 JUDGE STEINBERG: Well, 630 seems to be missing.

19 MS. LANCASTER: Okay.

20 JUDGE STEINBERG: Oh, the 630 in this book is
21 different from the 630 in my book.

22 MS. LANCASTER: Let me show you --

23 JUDGE STEINBERG: Let's just before we show
24 anybody anything, does everybody's 630 have -- it's one
25 page, it says, "Verification"?

1 MR. PEDIGO: Ours does.

2 JUDGE STEINBERG: Mr. Romney?

3 MR. ROMNEY: Yes, sir.

4 JUDGE STEINBERG: Okay, so the only one in the
5 room that doesn't have it is the witness. It's not an
6 important page.

7 MR. ROMNEY: Oh, yes, just take that verification
8 right out, Your Honor.

9 JUDGE STEINBERG: Don't need it.

10 (Laughter.)

11 THE WITNESS: Should I remove this, Your Honor?

12 JUDGE STEINBERG: No, don't touch anything.

13 MS. LANCASTER: I'm going to show you what should
14 be in your copy, we can actually just take this and insert
15 that in -- this will be a court reporter copy.

16 JUDGE STEINBERG: But then what's -- isn't there
17 something there that says 630 which in my book is numbered
18 629?

19 MS. LANCASTER: The 629 here, what happened is
20 they made a copy of 629 and 630 was behind it. Do you see
21 what happens?

22 JUDGE STEINBERG: Yes, okay. Why don't you show
23 that everybody?

24 MS. LANCASTER: Okay.

25 JUDGE STEINBERG: When the pages were xeroxed,

1 they got like this. So 629 is here and 630 is here.

2 MS. LANCASTER: If it's okay with counsel --

3 JUDGE STEINBERG: Why don't you pull both pages?

4 MS. LANCASTER: Here is 630. They made a copy of
5 page 639.

6 MR. PEDIGO: Ours are fine. Ours are fine.

7 MS. LANCASTER: Okay. If it meets with everyone's
8 approval, I will just mark through the 630 on this page,
9 Your Honor. It might make it a little easier when --

10 JUDGE STEINBERG: But the whole page isn't there,
11 whole page 629 isn't there, is it?

12 MR. PEDIGO: You need a new 629.

13 MS. LANCASTER: Okay, I'll give you a new 629
14 also.

15 JUDGE STEINBERG: Not that anybody is going to
16 look at 629.

17 MS. LANCASTER: I'm substituting the pages 629 and
18 630 into the court reporter's copy that Mr. Brasher is
19 reviewing.

20 THE WITNESS: Your Honor told me not to touch
21 that.

22 BY MS. LANCASTER:

23 Q On page 630 is your verification verifying the
24 truthfulness and accuracy of the facts and statements
25 contained in what has been identified as EB Exhibit 19; is

1 that correct?

2 A That's correct.

3 Q Okay. Now turn to page 500 of that exhibit.

4 Did you find it?

5 JUDGE STEINBERG: Yes.

6 BY MS. LANCASTER:

7 Q Okay. Page 500 of that exhibit purports to be a
8 management marketing agreement made on the 29th day of
9 March, 1999, between O. C. Brasher and DLB; is that correct?

10 A That page is correct.

11 Q Okay. If you will turn to Bates stamped page 509,
12 which is page 10 of that particular agreement.

13 A Yes.

14 Q On that page the licensee is listed as David L.
15 Brasher at 2910 West Bend Drive, Irving, Texas; is that
16 correct?

17 A That's correct information, but that's the wrong
18 page for that document.

19 Q Okay, but that's what it says on Bates stamped
20 page 509; is that correct?

21 A It does.

22 Q Okay. Go to Bates stamped page 510.

23 A I'm there.

24 Q Okay, on that page the license -- under the word
25 "Licensee," it says "by" and there appears to be the

1 signature of David L. Brasher; is that -- do you recognize
2 his signature?

3 A That looks like his.

4 Q Okay. Now, go to Exhibit 5, EB Exhibit 5.

5 A I'm there.

6 Q This also appears to be a management marketing
7 agreement made between the 9th day of March, 1999, between
8 O. C. Brasher and DLB, doesn't it?

9 A Correct.

10 Q And page 10 of that agreement under "Licensee"
11 lists Brasher, O. C., and it gives an address of 224 Molina
12 Drive, Sunnyvale, Texas.

13 A Correct.

14 Q 224 Molina Drive is your address?

15 A Correct. That's where he was living up until the
16 time he died.

17 Q When did he move into 224 Molina Drive?

18 A 1990, end of '90, or close to that period of time.

19 A Okay. Page 11 of Exhibit 5 under the word
20 "Licensee" says "by" and there appears to be a signature, O.
21 C. Brasher.

22 A Yes.

23 Q Who wrote that signature?

24 A I did.

25 Q Okay. When the Commission asked for all documents

1 pertaining to any management agreements or all documents
2 pertaining to the license of O. C. Brasher, and you sent in
3 the management agreement that was contained in Exhibit 19,
4 was that an accurate management agreement?

5 Did David ever sign a management agreement on
6 behalf of O. C. Brasher?

7 A No.

8 Q Did you sign the management agreement on behalf of
9 O. C. Brasher?

10 A Yes.

11 Q And O. C. Brasher was dead at the time you signed
12 this agreement?

13 A Correct.

14 Q Is it -- my understanding is that the marketing
15 and management agreement that shows that David signed on
16 behalf of O. C. Brasher was a collating error --

17 A Either --

18 Q -- is that correct?

19 A Yes, either --

20 Q And that instead you had intended to include the
21 marketing and management agreement with O. C. that you in
22 fact signed?

23 A Correct.

24 JUDGE STEINBERG: And that's in -- you intended to
25 send in what is our Exhibit 5?

1 THE WITNESS: Your Honor, what had happened we
2 sent all of these together. Either we collated them wrong
3 in our office or it got collated -- it got collated wrong.
4 And when we had our depositions, I had the copies like they
5 were, they were actually sent and that's what this come from
6 here.

7 JUDGE STEINBERG: Okay, when you say "this," you
8 mean Exhibit 19 or Exhibit 5? Nineteen is the big good.

9 THE WITNESS: Yes, sir. The part of the
10 agreements in here --

11 JUDGE STEINBERG: In Exhibit 19.

12 THE WITNESS: -- was all collated.

13 JUDGE STEINBERG: Okay, so what you are saying is
14 Exhibit 19, the pages in the agreements were not collated
15 properly?

16 THE WITNESS: Yes, sir.

17 JUDGE STEINBERG: But that you are also saying
18 that what should have been sent in was what appears in
19 Exhibit 5?

20 THE WITNESS: Correct.

21 JUDGE STEINBERG: Okay, and Exhibit 5 is the one
22 where you signed O. C. Brasher?

23 THE WITNESS: Yes, sir.

24 BY MS. LANCASTER:

25 Q Do you recall your deposition in November? Do you

1 recall me showing you the marketing and management agreement
2 that was -- that had been signed, that had the signature of
3 David Brasher on behalf of O. C.?

4 A At that same time we mentioned to you that there
5 was a problem with the management agreements pages.

6 Q Well, after I showed it to you, I think you -- do
7 you recall you had testified that you thought you had signed
8 the management agreement?

9 A Yes.

10 Q And you looked at the management agreement that is
11 included in Exhibit 19, and indicated to me that you didn't
12 recognize that management agreement?

13 A That's correct.

14 Q Okay.

15 A But it was missorted or done something.

16 Q But you didn't point that out at that time?

17 A Yes, I did.

18 Q I think you pointed that out after David had
19 testified; is that correct?

20 MR. ROMNEY: Just to --

21 BY MS. LANCASTER:

22 Q We went back in and opened the record again after
23 David had testified?

24 JUDGE STEINBERG: Well --

25 MR. ROMNEY: Objection.

1 JUDGE STEINBERG: -- there is an objection.

2 Well, I think you can point to the deposition, and
3 if it was pointed out during the course of the deposition,
4 you can refer to it. If it wasn't, it wasn't. I assume if
5 you don't point it out, if Ms. Lancaster points it out, then
6 it was, and if nobody points it out, then it wasn't. I
7 don't care. I mean --

8 MS. LANCASTER: It's in there but it's not worth
9 the time it takes to find it unless you can find it. I'd
10 like to move on.

11 JUDGE STEINBERG: Okay, is this a good time to
12 break for lunch?

13 MS. LANCASTER: Sure.

14 MR. PEDIGO: Your Honor, while we are on this, let
15 me just -- one minute if I may.

16 JUDGE STEINBERG: Certainly.

17 MR. PEDIGO: On the show cause order for David
18 Brasher, the first entry is for WPJR757, and I would note
19 that the Bates number of 486 is the first page of the
20 management agreement between David Brasher and DLB
21 Enterprises that pertains to WPJR757. The last two pages of
22 that agreement are pages 495 and 496.

23 Now, those are the two pages that ended up not
24 only appearing where they were supposed to with the document
25 that they were originally designed to go with, but they also

1 appeared at the back of the document that begins at Bates
2 page 500.

3 And the only other thing is where D. L. Brasher
4 shows up under WPJR750, that is the agreement that begins at
5 page 458 of Exhibit 19, and goes through the last two pages
6 of it, or the last page is at 468. It was only that exhibit
7 beginning at -- or that part of Exhibit 19, beginning at
8 page 486 that had it's last two pages put with the O. C.
9 Brasher one.

10 MR. KNOWLES-KELLETT: You're going to have to get
11 David to testify to that.

12 JUDGE STEINBERG: Well, I'm supposed to say that.

13 MR. KNOWLES-KELLETT: Okay. I'm objecting to its
14 narrative.

15 JUDGE STEINBERG: Well, it's not testimony.

16 MR. KNOWLES-KELLETT: Okay.

17 MR. PEDIGO: Well, I am just trying to point --

18 JUDGE STEINBERG: Well, it's in the record at this
19 point, and you're trying to explain it, and you can explain
20 it through the witness because you're not sworn in under
21 oath and subject to cross-examination.

22 MR. PEDIGO: I just wanted to make sure there was
23 no misunderstanding about that.

24 JUDGE STEINBERG: And also don't -- no, I don't.

25 MR. PEDIGO: All right.

1 MR. PEDIGO: Now we're ready for lunch.

2 JUDGE STEINBERG: Okay, let's come back at about
3 ten after one.

4 (Whereupon, at 12:00 noon, the hearing on the
5 above-entitled matter was recessed, to resume at 1:10 p.m.,
6 this same day, Tuesday, February 27, 2001.)

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A F T E R N O O N S E S S I O N

(1:13 p.m.)

1
2
3 MS. LANCASTER: Your Honor, the first thing, I
4 would like to withdraw what was previously marked as
5 Enforcement Bureau Exhibit 68. It was the 19 -- it purports
6 to be the 1995 application in the name of O. C. Brasher that
7 was presented by Ronald Brasher's attorney. I understand
8 that the Court may like this into evidence, but we are
9 uncomfortable putting it in as an Enforcement Bureau
10 exhibit. It's not an original, although there was, I
11 believe, some testimony that this document was received back
12 from PCIA by Mr. Brasher. If that's the case, then at the
13 very least I think the original document should be put into
14 evidence. And I would like to withdraw it as our exhibit.

15 MR. ROMNEY: I would move it's admission, Your
16 Honor, although it's not my case in chief, at this point.
17 And I certainly move it's admission. I think the
18 authenticity of it was testified to at least as well as any
19 other document that's been admitted in this case into
20 evidence.

21 It was also a deposition exhibit to Mr. Brasher.
22 For whatever reason, it was left out by the FCC in their
23 case in chief and their documents. I don't know that. But
24 that's where the document comes from. Its authenticity is
25 unquestioned.

1 MS. LANCASTER: Your Honor, if I might respond.

2 JUDGE STEINBERG: No, I want to hear from Mr.

3 Pedigo.

4 MS. LANCASTER: I don't believe that the Bureau
5 attached it to the deposition. I believe it still came from
6 Mr. Romney.

7 MR. ROMNEY: Well, I didn't take any questions of
8 my client during the deposition so I doubt that I put any
9 documents in.

10 JUDGE STEINBERG: Did Mr. Pedigo want to be heard?

11 MR. PEDIGO: No.

12 JUDGE STEINBERG: I thought I had received it
13 already.

14 MR. ROMNEY: You have. It's been admitted.

15 MR. PEDIGO: Right.

16 MS. LANCASTER: Yes, sir, and I asking that it be
17 withdrawn or either be put in as Judge's exhibit or as Mr.
18 Brasher's exhibit instead of the Enforcement Bureau's
19 exhibit.

20 JUDGE STEINBERG: Well, I don't see what the label
21 has -- I'm going to deny the motion, but with the
22 understanding that I kind of shoved it down your throat too
23 because I wanted it in. I wanted it in. We had questions
24 on it, and you were asking a question, so I said make this
25 your next exhibit.

1 So you are not -- I realize that it's called
2 Enforcement Bureau Exhibit 68, but you really didn't sponsor
3 it, let's put it that way. So I think, you know, we can
4 call it Tinkerbelle Exhibit 1. It doesn't matter.

5 MS. LANCASTER: I just want to make it clear, Your
6 Honor, that the Enforcement Bureau is not proposing it; does
7 not vouch for the authenticity of this exhibit, or the
8 accuracy of this exhibit in any way.

9 JUDGE STEINBERG: Well, why don't I ask Mr. Romney
10 when -- when he examines Mr. Brasher, if he would go over --
11 even if he hadn't planned to, to just go over Exhibit 68 and
12 get a foundation for it. And then if after that you don't
13 believe that it's properly in the record, you can move to
14 strike your own exhibit.

15 MS. LANCASTER: Yes, sir.

16 JUDGE STEINBERG: Unusual, but what the heck.

17 Whereupon,

18 RONALD BRASHER

19 having previously duly sworn, was recalled as a
20 witness and was examined and testified further as follows:

21 DIRECT EXAMINATION (Resumes)

22 BY MS. LANCASTER:

23 Q Mr. Brasher, regarding the 1996 license in the
24 name of O. C. Brasher, did Mr. Brasher's stations ever
25 receive any revenue?

1 JUDGE STEINBERG: Which? O. C.?

2 MS. LANCASTER: O. C. Brasher.

3 BY MS. LANCASTER:

4 Q Was there any revenue attributable to that
5 station?

6 A The stations at Allen produced revenue, but not
7 profit.

8 Q Okay. And did you keep a record of how much
9 revenue was attributable to each station at Allen?

10 A It's obtainable. Yes, it is obtainable.

11 Q Do you know whether or not the station licensed to
12 O. C. Brasher produced revenue?

13 A I wouldn't know that off the top of my head, no.

14 Q Do you know the expenses that have been expended
15 for the operation of that station since that station was put
16 in operation?

17 A The group of Allen, we know what the expenses
18 are -- were.

19 Q But you have not broken that down per station?

20 A Per station, we have the ability to do it, no, we
21 have not.

22 Q Okay. I believe yesterday when I asked you about
23 Exhibit 21, you may want to look at Exhibit 21, whether or
24 not Exhibit 21 constituted your first notice to the
25 Commission that Ruth and O. C. were deceased --

1 JUDGE STEINBERG: Why don't you point to
2 particular pages?

3 MS. LANCASTER: Okay, I'll -- let's look on page 2
4 of Exhibit 21. That is a letter to the Enforcement Bureau
5 from Benjamin J. Aron, who I believe is with Schwaninger &
6 Associates.

7 BY MS. LANCASTER:

8 Q Do you know Mr. Aron?

9 A Yes, ma'am. I do.

10 Q Okay. And the first line of that letter says, "As
11 per the Commission's request of September 9, 1999, in the
12 above-captioned proceeding, we hereby inform the Commission
13 that O. C. Brasher is deceased," and you enclose a copy of
14 the death certificate; is that correct?

15 Is that a correct reading of that letter?

16 A Well, I got two pages. I got pages 2 and 3 is the
17 same?

18 JUDGE STEINBERG: No.

19 MS. LANCASTER: No. Page 2 pertains to O. C.

20 JUDGE STEINBERG: Just look at two.

21 THE WITNESS: Oh, I'm sorry.

22 BY MS. LANCASTER:

23 Q Just look at two. Is that a correct reading of
24 the first line of that letter?

25 A Correct.

1 Q And on page 3 of the exhibit, it's also to the
2 Commission signed by Benjamin Aron, who is with Schwaninger
3 & Associates, your attorneys. And it reads, "As per the
4 Commission's request of September 9, 1999, in the above-
5 captioned proceeding, we hereby inform the Commission that
6 Ruth I. Bearden is deceased," and you enclose a copy of her
7 death certificate.

8 A I see those two pages now. Let me see where the
9 death certificates are. I do not see them.

10 What pages are the death certificates?

11 Q The death certificate of Ruth Bearden is on page
12 59.

13 A That page is -- I see page 59.

14 Q Do you see the death certificate?

15 A Yes, ma'am.

16 Q And I have to look at see -- the death certificate
17 of Oscar Brasher is on page 47.

18 A That is correct.

19 Q Now, Mr. Brasher, I would like to turn to the
20 licenses that were obtained in the names of the Sumpsters.

21 It's my understanding that you had an ongoing
22 business relationship as well as a family relationship with
23 the Sumpsters; is that correct?

24 A The business was with Sumpter's accounting firm.

25 Q Okay. Jim Sumpter specifically?

1 A Jim Sumpter. Norma worked there, so did Jennifer
2 and sometimes Melissa.

3 Q Okay. When you decided you wanted to get licenses
4 in the names of the Sumpters, did you go to them and ask
5 them if they would do this, or did they approach you?

6 A Once we knew we had to work with the large company
7 with the need for radio communications, this was kind of a
8 topic which Sumpters knew about, heard about. They had been
9 with us whenever we had an 800 system which we --

10 Q I'm listening.

11 A An 800 system which we bought from GE in 1985, I
12 believe it was. Sumpter helped us at that time design how
13 to break down the pro rata of the receipts of -- let me back
14 up. I'm crossing -- we bought a system from GE in 1985, and
15 put that in, and I think it was under Pat's or Metroplex
16 name.

17 Then in '80 -- I'm have to try to remember -- '87
18 or '89, along through there, we sold the 800 trunking
19 system.

20 Sumpters used the radio systems on that mobile
21 equipment itself, so they knew what the mobile radio
22 equipment was and how to use it.

23 Sumpter, at the time we sold the 800 system to
24 Fleetcall, was -- sit down and broke down so much of the
25 funding, working with their attorneys and their accounting

1 people, how much went to goodwill and such as this. So they
2 were completely familiar with our 800 and how the radio
3 systems produced -- produced revenue at the end, if you got
4 ready to sell the systems.

5 They knew this, and they often, in between the
6 time that we did the T-band system, mentioned that they
7 would like to -- you know, this is a good way to have an
8 industry. During the 900s, we bought or we had -- tried for
9 some 900 systems in Dallas, and then as we loaded up in Fort
10 Worth, the Sumpters used that with their daughter,
11 Melissa -- Jennifer. They seen how this was operating
12 itself. In fact, Norma applied for the 900 system for her
13 daughter or a user license for her daughter to use.

14 So they were familiar with the radio licensing and
15 radio systems. They knew at the time of the T-band was come
16 up that this was an area that gave them an opportunity to be
17 involved, and we had plenty of times in our family meetings
18 and doings all different types of the years. It was a
19 constant visit with the Sumpters to Pat's and my home, and
20 discussion at work time when we would drop off detail for
21 them the subject would come up.

22 So at that time they knew that we had needed it,
23 and we then asked Norma first, Norma was the first one and
24 that's the -- was the first one we had asked if her and Jim
25 would be -- Jim Sumpter would be interested in a license

1 with the possibility that's in the long time, you know, it
2 could have some value, which they realized it could have
3 from the 800 system itself that they sold and worked with on
4 selling.

5 JUDGE STEINBERG: You said "we" asked Norma. Who
6 is "we"?

7 THE WITNESS: Pat and I, my wife and I.

8 MS. LANCASTER: Okay.

9 JUDGE STEINBERG: And when did -- you said we
10 asked Norma if she and Jim would be interested in a license.
11 When was that? When did you do that?

12 THE WITNESS: Your Honor, I think it was the first
13 part of '96, right around 1996. But the conversation about
14 frequencies and it would be a good thing was all the years
15 and years of conversation.

16 BY MS. LANCASTER:

17 Q You stated you bought the 800 trunking system in
18 1985?

19 A Yes, ma'am.

20 Q Sold it in '89?

21 A '87, '88, '89, along through there. I think it
22 was '89.

23 Q Okay. When did you apply for the 900 licenses?

24 A Right after it was -- going by just try to
25 remember, Judy, I think it was in '90, and '89, cause we had

1 a -- we had a noncompete for 800. So 800 was gone anyway.
2 They couldn't even get a license in 800. So I think it was
3 '89 and '90, along through there that we started on our 900.

4 Q Okay. Did any of the Sumpters have licenses under
5 the 800 system that you had purchased in '85?

6 A When we purchased it, GE operated it and
7 maintained a license. We did not have to license anybody.
8 When we bought it, the system was completely fully loaded.
9 Jim Sumpter was on that license. GE maintained the license.
10 We just bought the customers' equipment and everything else,
11 and then we -- we couldn't even really load anybody else.
12 It was pretty -- it was full.

13 Q Okay. When you say "maintained," did they
14 operate, even though you bought it, who operated?

15 A We bought it and we operated the repeaters and
16 operated the -- maintained the customers' mobiles and things
17 like that.

18 Q So customer payments would come to DLB?

19 A After we bought it.

20 Q Right. For use of the 800 system; is that
21 correct?

22 A Correct. Correct.

23 Q And you stated that Jim Sumpter had a license on
24 that system?

25 A I know he was billed by GE, and we continued